

STATE OF SOUTH CAROLINA  
BEFORE THE PUBLIC SERVICE COMMISSION  
DOCKET NO. 2011-271-E

In the Matter of:

Application of Duke Energy Carolinas, LLC  
for Authority to Adjust and Increase  
Its Electric Rates and Charges

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**PETITION OF  
WAL-MART STORES EAST, LP  
AND SAM'S EAST, INC.**

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Pursuant to Rule 103-825 of the rules and regulations of the South Carolina Public Service Commission ("Commission"), Wal-Mart Stores East, LP and Sam's East, Inc. (collectively, "Walmart"), by its attorneys, respectfully requests that the Commission permit it to intervene and become a party in the above-captioned matter. In support of its Petition to Intervene, Walmart submits as follows:

1. On August 5, 2011, Duke Energy Carolinas, LLC ("Duke") filed an application with the Commission requesting authority to adjust and increase its retail electric rates, charges and tariffs ("Application"). The Application was filed pursuant to S.C. Code Ann. Sections 58-27-820 and 58-27-970 (Supp. 2010) and 26 S.C. Code Ann. Regs. 103-303 and 103-823 (Supp. 2010).

2. Walmart is a national retailer of goods and services throughout the United States. Walmart's principal office is at 2001 SE 10<sup>th</sup> Street, Bentonville AR 72716-0550.

3. Walmart has the privilege of providing its retail services in the State of South Carolina. Walmart is a large commercial customer of Duke. Walmart has approximately 25 facilities in South Carolina that are served by Duke, which include Walmart Supercenters, discount stores, Sam's Clubs distribution centers, and gas stations. Walmart purchases more

than 100,000,000 kWh annually from Duke. Electricity is one of the single highest operating costs faced by Walmart. As a result, any modification to Duke's electric rates and rate structure has the potential to substantially impact Walmart's operations in South Carolina. In other words, Walmart has a direct and substantial interest in the outcome of this proceeding that is unique in that it is a single commercial customer that purchases substantial amounts of electric and related services from Duke. Thus, Walmart has an interest in this proceeding that is not represented by any other party.

4. Because pre-filed testimony is not due until November 4, 2011, Walmart has not yet fully evaluated the Application. Walmart anticipates that it may cause to be pre-filed the testimony of Steve W. Chriss, its Senior Manager of Energy Regulatory Analysis, and that any such testimony may cover issues raised in the Application related to cost-of-service, revenue allocation and rate design. To the extent it is required to reserve hearing minutes at this time, Walmart reserves between ten and fifteen minutes for Witness Chriss to summarize his pre-filed testimony, however Walmart wishes to reserve the right to modify this estimate as its positions on issues raised in the Application crystallize.

5. The attorney to represent Walmart in this proceeding is:

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The above-named attorney is authorized to accept service of papers in this proceeding on behalf

of Walmart and Walmart respectfully requests that Mr. Moses be added to the service list, with an additional copy of all filings to be sent to: Holly Rachel Smith, Holly Rachel Smith, PLLC, Hitt Business Center, 3803 Rectortown Road, Marshall, VA 20115 [holly@raysmithlaw.com](mailto:holly@raysmithlaw.com). Walmart plans to cause to be filed a motion for Ms. Smith to be admitted *pro hac vice* before this Commission, and subsequent to any Commission grant of such request, Walmart requests that Ms. Smith also be added to the official service list as an attorney authorized to accept service of papers in this proceeding.

6. This Petition to Intervene is timely filed, as this intervention request precedes the Commission's established deadline for intervention of October 19, 2011.

**WHEREFORE**, Wal-Mart Stores East, LP and Sam's East, Inc. respectfully request that it be granted leave to intervene and be made a party to the above-captioned proceeding.

Dated: October 3, 2011

Respectfully submitted,

s/Thomas L. Moses  
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*Attorneys for WAL-MART STORES, INC. AND SAM'S EAST, INC.*

## CERTIFICATE OF SERVICE

I certify that I have this day served a copy of the foregoing **Motion to Intervene of Wal-Mart Stores East, LP and Sam's East, Inc.** in Docket No. 2011-271-E has been served on this 3<sup>rd</sup> day of October, 2011 by electronic mail, hand delivery or by depositing a copy in the United States mail, postage prepaid, addressed to the parties of record as follows:

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s/ Julie E. Tate  
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